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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/263,812 | 03/08/1999 | WILLIAM G. MILLER | 1-1 | 2262 |

7590 12/04/2002

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| EXAMINER | |
|---|---|
| ENG, GEORGE | |
| ART UNIT | PAPER NUMBER |
| 2643 | |

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/263,812 | Applicant(s) MILLER ET AL. |
|---|---|---|
| | Examiner George Eng | Art Unit 2643 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on *04 October 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Response to Appeal Brief*

1. In view of the appeal brief filed on 10/4/2002 (paper no.13), PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's argument in Appeal Brief filed 10/4/2002 (paper no. 13) for the finality of the previous Office action is persuasive and, therefore the finality of that action is withdrawn and a new ground non-final Office action is set forth below.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 7-11, 13-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US PAT. 5,572,248 hereinafter Allen).

Regarding claim 1, Allen discloses a video conferencing system as shown in figures 1A and 1B comprising a first station (12) in at least a first geographic location and a second station (14) in at least a second geographic location (col. 4 lines 49-63), wherein the first station and the second station are equipped with at least one viewing screen (i.e., 46) at a display area (i.e., 20) for displaying at least a portion of image or a sub-image at another stations (col. 5 lines 34-39 and col. 9 line 66 through col. 10 line 18), and the first station and the second station are connected via a network providing both video conferencing between stations in different geographic locations and multi-media access for each station (col. 8 line 55 through col. 9 line 45). In addition, Allen clearly discloses that each station has a table and a plurality of seating area being arranged so that viewing screen (i.e., 46) is visible from the plurality of seating areas and the table size to accommodate serving a meal to a plurality of individual in the seating areas

(figures 1A-1B and figure 2). Although Allen does not specifically teaching that the video conferencing system is a restaurant video conferencing system such that each station is modified as a media booth, Allen teaches to enhance the video conferencing system by providing a dinning environment such that food or meals will be served (col. 14 lines 16-26). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the video conferencing system in a restaurant environment, i.e., dining environment, with at least one stations in each of the first and second geographical location in order to enhance the system for making user friendly so that conferees can order food or drinks during a conference with a remote station/booth.

Regarding claim 2, Allen clearly discloses the first and second stations are geographically remote from each other (col. 4 lines 60-63) so that it recognizes the first and second stations are in different time zone, as well as different countries.

Regarding claims 7, Allen discloses each location including at least one room having video conferencing capability (figures 1A-1B).

Regarding claim 8, Allen teaches that each location has computers stations, i.e., conferencing means, with video capability in addition to the rooms and booths (col. 6 line 61 through col. 7 line 19).

Regarding claim 9, Allen teaches a method of providing video conferencing comprising the steps of having a plurality of video conferencing stations (i.e., 12 and 14) in each of a number of sites as each site in a particular geographical location (col. 4 lines 49-63), conducting video conferencing between users in at least two stations in different sites while offering food and beverages to the user in each stations (col. 8 line 55 through col. 9 line 45 and col. 14 lines 16-

26). Although Allen does not specifically teaching that the video conferencing system is a restaurant video conferencing system, Allen clearly teaches to enhance the video conferencing system by providing a dinning environment, i.e., restaurant environment (col. 14 lines 16-26). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the video conferencing system in a restaurant environment in order to enhance the system for making user friendly so that conferees can order food or drinks during a conference with a remote station/booth.

Regarding claims 10-11, the limitations of the claims are rejected as the same reasons set forth in claim 2.

Regarding claims 13-14, the limitations of the claims are rejected as the same reasons set forth in claims 7-8.

Regarding claims 15-16, Allen teaches that a plurality of individuals presenting at each table and interacting at each table for one of social and business pleasure in a public setting (figures 1A-1B and col. 6 lines 25-39).

Regarding claim 17, Allen discloses the station (12) within a room has a table and a plurality of seating areas as shown in figure 1A, wherein the plurality of seating areas arrange so that viewing screen (46) is visible from the plurality of seating areas, and the table sized to accommodate serving a meal to a plurality of individuals in the seating area (col. 14 lines 16-26).

Regarding claim 20, Allen clearly discloses the first and second stations are geographically remote from each other (col. 4 lines 60-63) so that it recognizes the first and second stations are in different time zone, as well as different countries, which are separated by an ocean.

5. Claims 3-6 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US PAT. 5,572,248 hereinafter Allen) in view of Flohr (US PAT. 5374,952).

Regarding claims 3-6, Allen differs from the claimed invention in not specifically teaching that each station has access to at least on of Internet access, cable TV, satellite broadcast, productivity tools, resources, and an inventory of computer games and programs. Flohr teaches a digital computer workstation operating for a video conferencing having capability of accessing cable TV, satellite broadcast, productivity tools, resources and an inventory of programs (col. 5 line 41 through col. 6 line 66) in order to enable each workstation to participate flexibly in multimedia exchanges with media terminal on a network. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Allen in having capability of accessing cable TV, satellite broadcast, productivity tools, resources and an inventory of programs, as per teaching of Flohr, in order to enable each workstation to participate flexibly in multimedia exchanges with media terminal on a network Although neither Allen nor Flohr does not specifically teaches the digital computer workstation having capability of high speed Internet access and accessing to a central server of computer games, it is notoriously well known in the art of a computer capable of accessing to a central server of computer games and providing high speed Internet access as the current technology would warrant. Thus, it would have been obvious matter of design choice to modify the video conferencing system of Allen in having high speed Internet access and accessing to a central server of computer games to further enhance the flexibility.

Regarding claims 18-19, the limitations of the claims are rejected as the same reasons set forth in claims 3-6.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

George Eng

Examiner

Art Unit 2643